



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON, D.C. 20350-1000

SECNAVINST 5740.26A
ASN(FM&C): FMO-31
15 JAN 1998

SECNAV INSTRUCTION 5740.26A

From: Secretary of the Navy
To: All Ships and Stations

Subj: RELATIONS WITH LEGISLATIVE BRANCH AUDIT AND INVESTIGATIVE AGENCIES

Ref: (a) DODDIR 7650.1 of 11 Sep 97 (NOTAL)
(b) DODDIR 7650.2 of 19 Jul 85 (NOTAL)
(c) DODINST 5500.16 of 21 Oct 96 (NOTAL)
(d) DODINST 7650.4 of 9 Sep 97 (NOTAL)
(e) DODDIR 5400.4 of 30 Jan 78 (NOTAL)

Encl: (1) Relations with the General Accounting Office
(2) Relations with the Surveys and Investigations Staff,
House Appropriations Committee

1. Purpose

a. To reissue guidance and direction to Department of the Navy (DON) personnel for relations with the General Accounting Office (GAO) and Surveys and Investigations Staff (S&IS) of the House Appropriations Committee (HAC).

b. To implement references (a), (b), (c) and (d) under the provision of reference (e).

c. To reestablish responsibility and procedures for:

(1) Working with GAO auditors and S&IS investigators when they are conducting surveys, reviews and investigations of DON activities;

(2) Ensuring DON comments on GAO draft, letter or final reports are timely, responsive and representative of the DON position; and

(3) Granting or denying GAO and S&IS access to DON records and information.

SECNAVINST 5740.26A

15 JAN 1998

This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINSTS 5740.24B, and 5740.26 and NAVCOMPT 5740-2.

3. Discussion. This instruction combines into one document policies and procedures concerning relations with the GAO and S&IS in order to consolidate DON policy for relations with legislative branch audit and investigative agencies. Information and procedures particular to GAO audits and S&IS investigations are contained in enclosures (1) and (2), respectively.

4. Policy. It is DON policy to cooperate fully with the GAO and S&IS. All DON activities/offices shall make every effort to be responsive to requests for information from the GAO and S&IS, and shall respond to such requests for information from the GAO and S&IS as promptly as possible.

5. Responsibilities. The Assistant Secretary of the Navy (Financial Management and Comptroller) (ASN(FM&C)) is responsible for liaison with the GAO and S&IS, and the overall management of all GAO and S&IS matters within the DON. The Director, Office of Financial Operations, through the Management Accountability and Control Division (Management Control and Audit Liaison Branch (FMO-31)), is designated as the central coordinating office in the DON to maintain liaison with the GAO and S&IS and in connection with the S&IS, with the Director for Plans and Systems (Director, P&S) within the Office of the Under Secretary of Defense (Comptroller) (Program/Budget). This includes:

a. Distributing GAO and S&IS announcement letters and designating the appropriate DON action office.

b. Providing the name, rank or grade, organization and telephone number of the DON action officer to GAO and S&IS auditors and investigators.

c. Tasking the assigned DON action office to meet with GAO auditors and S&IS investigators, as required, and to prepare, coordinate and provide the DON response to GAO draft and final reports.

d. Controlling and monitoring the preparation of the DON response to GAO reports to ensure timely submission to the

15 JAN 1998

primary action office (PAO).

e. Providing guidance and assistance to the DON action officer.

f. Maintaining and providing to the DON action officer security clearance information relating to GAO and S&IS staff.

g. Assisting DON action offices in resolving issues of access to information, questions and other problems that may arise.

h. Issuing no cost travel orders to S&IS personnel traveling to foreign countries to visit DON activities.

i. Contacting GAO and the Director, P&S to obtain status of audits/S&IS inquiries, and copies of reports.

j. Distributing copies of GAO/S&IS reports to the DON action office and others for appropriate action or information.

k. Distributing copies of Department of Defense (DOD) responses to GAO reports.

l. Providing analytical summaries of GAO audit report findings, recommendations and monetary benefits for budget analyses and DON management.

m. Providing guidance on implementation and completion of audit followup action on recommendations in GAO reports as directed in reference (c).

n. Maintaining the official file on GAO and S&IS activity concerning the DON.

6. Release of Records and Reports

a. OPNAVINST 5510.1H contains instructions on release of classified information. Classified information will be furnished to GAO auditors and S&IS investigating teams only when such information relates to the auditors'/investigators' task. ASN(FM&C) will assist in determining the necessity for furnishing the specific information desired by GAO or the S&IS. Whenever access to classified information is authorized, each GAO auditor or S&IS investigator must be advised of the classification level

15 JAN 1998

and fully understand the legal requirement to safeguard classified information. GAO auditors and S&IS investigators are subject to the same statutory penalties for unauthorized disclosure or use of classified information as are officers or employees of the DOD (31 U.S.C. 716(e)(1)).

b. The release of business-sensitive information to GAO or the S&IS must be considered on a case-by-case basis. The inadvertent advance disclosure of the amount budgeted for a procurement could compromise the Department's negotiating position. Each request should be evaluated by the DON official responsible for the information. DON general policy is that business-sensitive material may be released to GAO auditors or S&IS investigators if it is within the scope of the audit/inquiry. GAO auditors and S&IS investigators must sign a receipt listing business-sensitive documents received and stating that they will treat the material as proprietary, business-sensitive information and safeguard its release following the provisions of 18 U.S.C. 1905. Requests for access to business-sensitive information which cannot be satisfied or resolved will be referred to the Secretary of the Navy (SECNAV) via the chain of command.

7. Action. All DON activities shall respond to GAO draft and final reports in accordance with this instruction and the specific guidance and due dates provided by the ASN(FM&C), and the DOD Inspector General (DODIG). The DON action office, for purposes of this instruction, is defined as the DON organization assigned cognizance over the subject matter GAO or S&IS is auditing/investigating. The DON action office is designated and assigned action by ASN(FM&C). DON action offices include Assistant SECNAV offices, Chief of Naval Operations, Commandant of the Marine Corps, headquarters commands (Commanders in Chief, U.S. Atlantic and Pacific Fleets) (FLTICINCS) and other selected commands.

15 JAN 1998

8. Reports. The reports required by this instruction are exempt from reports control by SECNAVINST 5214.2B.



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SNDL Parts 1 and 2

MARCORPS PCN 71000000000 and 71000000100

15 JAN 1998

RELATIONS WITH THE GENERAL ACCOUNTING OFFICE

1. DON Action Office. The DON action office for audit actions is also referred to as the Service collateral action office (CAO). DON action offices shall:

a. Develop written procedures to expedite the conduct of reviews and surveys and to ensure report responses are prepared in a timely manner.

b. Designate a central contact point responsible for: maintaining liaison with ASN(FM&C); ensuring the internal distribution of reports; assigning internal responsibility for action on reports; ensuring compliance with the time schedules for responses established by ASN(FM&C); implementing the corrective action required in connection with a GAO report; considering the applicability of the report findings to functions of the organization not covered by the report; ensuring all responsibilities assigned to the action office are carried out; and obtaining legal review, as appropriate, on responses.

c. Establish the contact point at a level within the organization to ensure prompt and effective discharge of assigned responsibilities. Keep ASN(FM&C) advised of any changes.

d. Ensure the command and its field activities are well prepared for auditor visits by distributing GAO announcements, auditor visit notifications, and auditor security clearances within the command; having the necessary material and files available; and advising command staff of GAO entrance and exit conferences.

e. Provide adequate working space and a telephone for GAO auditors at the work site.

2. Responses to GAO Reports. DON policy is to promptly respond to GAO draft and final reports, provide the DON position, correct any inaccurate findings, conclusions or recommendations, and state corrective action DON has taken in response to the GAO report.

a. When a DON response is required, ASN(FM&C) shall task the head of the cognizant DON action office to prepare a written response on behalf of the SECNAV. Other activities may be requested to provide comments to the lead DON action office.

Enclosure (1)

b. The DON action office shall meet deadlines established by DODIG and ASN(FM&C) for responding to GAO draft and final reports. When GAO submits a draft report for comment, GAO may not delay its final report simply because the requested agency does not comment within the 30-day comment period. When GAO makes a final report that includes a recommendation to the Secretary of Defense (SECDEF), the Office of the Secretary of Defense (OSD) shall submit a written statement within 60 days specifying action taken on the recommendation.

(1) Sufficient priority shall be given to GAO report responses to meet suspense dates established by ASN(FM&C). Usually, the DON action office (the Service CAO) must provide the OSD primary action office (PAO) a written or a verbal DON response on the official DON position by the due date. When the reply is unavoidably delayed, an interim response addressing as many findings, conclusions and recommendations as possible will be provided to the PAO by the Service CAO.

(2) When time-imposed limitations preclude preparation of a written reply to a draft report, the PAO action officer shall request a meeting with GAO officials to discuss the report informally. In such cases, the DON action officer may want to provide a point paper to the PAO action officer reflecting the views of the DON.

(3) Since PAO comments are required on draft reports within 30 days, the PAO must make an early judgment as to whether written comments are merited and if they can be provided within the 30-day limitation. DODIG often convenes a premeeting with the PAO and Service CAOs to ensure DOD views on the issues are consistent. This is usually followed by a meeting with GAO officials. On-time submission of the DOD response to GAO usually results in the DOD comments being included in the final report. This allows the DON/DOD position greatest dissemination and visibility.

3. Congressional Inquiries. When a DON activity receives an inquiry concerning issues in a GAO report directly from a member of Congress or a congressional committee, the head of the activity concerned shall notify ASN(FM&C) and the DON Office of Legislative Affairs (OLA).

4. Administrative Procedures. The following is a general overview of the administrative process and working relationships with GAO.

Enclosure (1)

a. Announcements. GAO advises ASN(FM&C) of a planned survey, review or audit (often called an assignment) by an announcement letter addressed to the SECDEF or SECNAV. The announcement describes the nature, scope, objectives, timeframe and locations to be visited, and is identified by GAO's six-digit announcement number. DON personnel should not discuss the audit subject matter with GAO until they have read a copy of the announcement. If urgent, request a fax copy of the announcement from ASN(FM&C).

b. Entrance Conferences. The DODIG will usually arrange for an entrance conference with the GAO auditors and representatives of the PAO and the Service CAOs. The purpose of this entrance conference is to gain a mutual understanding of the audit scope, specific objectives, locations to be visited, audit methods to be employed and milestones for completion. Field activities may conduct similar entrance conferences with GAO.

c. Notices of Visit and Security Clearances. GAO mails an official notice of visit to each location, and provides the date(s) of visit(s), the names and security clearances of each person involved and a copy of the announcement. This notice will be provided at least 10 days prior to the intended visit and 30 days in advance of visits to ships. If the notice of visit and security clearance has not been received, the audited activity will allow the auditors to proceed on unclassified matters upon presentation of proper credentials, but wait for verification of required security clearances before discussing classified matters. GAO regional offices and overseas branches will continue to certify security clearances of their personnel to field activities. If a security clearance for a GAO representative is required but has not been received, departmental organizations will contact ASN(FM&C). Fleet commands and field organizations will telephone the appropriate GAO regional office or GAO overseas branch.

d. Audited Activity Responsibilities

- (1) Ensure GAO security clearances are validated.
- (2) Arrange for GAO personnel to meet command personnel or visit other offices or installations.
- (3) Provide or arrange for GAO briefings.

Enclosure (1)

15 JAN 1998

(4) Make temporary working space and a telephone available to GAO.

(5) Arrange for access to records and documents, as required.

(6) Initiate corrective action for valid problems GAO discovers and report the action taken to the DON action office.

e. Visits to Fleet Headquarters. When GAO announces an assignment that requires a visit to fleet/Marine force headquarters, the DON action office, based upon discussions with the GAO auditors, should determine if a subject briefing will be provided to GAO prior to the start of any field work at those headquarters. The briefing should be provided to ensure that the auditors will arrive at fleet activities familiar with the subject matter. The DON action office will advise the FLTCINC commanders/Marine force commanders initially by telephone and follow by message or written correspondence, of the planned dates and specific locations to be visited by GAO auditors; the substance of briefings provided the auditors by the DON action office; areas of special interest to the auditors; and documentation provided to auditors (forward copies of documentation or extracts, as appropriate, to the FLTCINCS/Marine force commander if not held by them).

f. Visits to Ships, Squadrons and Fleet Marine Force (FMF) Units. GAO assignments may involve visits to ships, squadrons, and FMF units. Visits should be planned consistent with requirements, not to interfere with essential operations or activities contributing to personnel morale. Visits to ships, squadrons and FMF units still deployed but temporarily out of a combat zone for purposes of provisioning, minor repairs or rehabilitation, and scheduled for immediate return to a combat zone, will not be authorized without the specific approval of SECNAV. FLTCINCS and FMF commanding generals, are authorized to arrange for visits to ships and FMF units in accordance with this paragraph. This authority may be delegated, if appropriate. The commander of the ship or unit visited will prepare a visit report and forward it to the DON action office via the chain of command with a copy to ASN(FM&C). Refer questions or problems related to these visits to the Chief of Naval Operations (CNO) or Commandant of the Marine Corps (CMC). Include the GAO six digit announcement number on all correspondence.

Enclosure (1)

g. GAO Information Inquiries. When a response to inquiries from GAO personnel requires a determination as to what policy governs an issue, or whether an action or procedure is following established policy, refer GAO to the command or office responsible for the policy. Make direct replies to GAO for inquiries not involving policy considerations. If the information furnished has not been previously reported to the Department level, report the specific GAO inquiry and the activity response to the DON action office via the applicable chain of command.

h. Exit Meetings. Upon completion of each on-site assignment, GAO personnel may discuss their findings with the commander or designated point of contact. Commanders or their senior representative are encouraged to attend these discussions to provide a broad perspective of their activity. At an exit meeting, GAO may provide a preliminary draft, sometimes referred to as a "statement of facts." Usually this preliminary draft will not contain conclusions or recommendations. GAO's intent is to afford the audited activity the opportunity to correct, modify or supplement the findings. DON personnel attending an exit meeting should review the draft report for technical accuracy. Any errors should be noted in writing on a copy of the draft, if possible, and provided to GAO, the DON action office and the PAO. A copy of this preliminary draft may be left with the activity but this is not mandatory. Keep in mind that the annotated draft is a vehicle to make suggested technical changes, and is not for substantive comments.

(1) Exit meetings often provide advance, and perhaps significant previews of audit report findings. Report important matters discussed at exit meetings and provide a copy of the preliminary draft or statement of facts, if available, to ASN(FM&C).

(2) GAO may convene a headquarters level exit conference. This will usually include representatives from the DODIG, the PAO and the Service CAOs. This meeting will afford an opportunity to learn about GAO's findings, conclusions and recommendations prior to issuance of a draft or final report.

5. GAO Statutory Authority. DON policy is to cooperate with GAO in responding quickly to GAO requests for information. Occasionally, questions arise as to what documents GAO, an organization of the legislative branch, has legal authority to demand. Statutory authority contained in 31 U.S.C. 716(a) which

Enclosure (1)

resolved many difficulties GAO had in obtaining information, states: "Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization and financial transactions of the agency. The Comptroller General may inspect an agency record to get the information."

a. Judicial Enforcement. When an agency record is not made available to GAO within a reasonable time, GAO may make a written request to the head of the agency. The agency head has 20 days to respond. If GAO is not given an opportunity to inspect the record within the 20 day period, the Comptroller General through his attorney may bring a civil action in the district court of the United States for the District of Columbia to require the head of the agency to produce the record (31 U.S.C. 716(b)).

b. Nonappropriated Funds. Section 31 U.S.C. 3525 extends GAO's authority to obtain information to nonappropriated fund activities.

c. Exemption to GAO's Enforcement Authority. Section 31 U.S.C. 716(d)(1) states that GAO may not bring a civil action for access to information withheld if:

(1) The record relates to activities the President designates as foreign intelligence or counterintelligence activities;

(2) The record is specifically exempted from disclosure to the Comptroller General by statute; or

(3) The Comptroller General requests materials which could be withheld from disclosure under exemptions 5 or 7 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(5) or (7)), and disclosure reasonably could be expected to impair substantially the operations of the Government:

(a) Exemption 5 covers interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This has been judicially interpreted to encompass the deliberation process privilege, the attorney-client privilege, the attorney work-product privilege, and to include a limited privilege for confidential government commercial data.

Enclosure (1)

(b) Exemption 7 covers records compiled for law enforcement purposes, but only to the extent that release of those records:

1. would interfere with enforcement proceedings.
2. would deprive a person of a right to a fair trial or an impartial adjudication.
3. would constitute an unwarranted invasion of personal privacy.
4. could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.
5. would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.
6. could reasonably be expected to endanger the life or physical safety of any individual.

6. GAO Access to Information. The GAO audit announcement describes the scope of the audit assignment and audit objectives. Upon receipt of the GAO audit announcement and GAO security clearances, if required, DON personnel shall promptly respond to GAO written and oral requests for information within the scope of the audit. The information provided to GAO should answer their questions and be accurate, complete and current. The DON organization or individual having the information requested by GAO generally grants access to it without approval from higher authority.

- a. The fact the information or records requested by GAO are considered "internal working papers," or that they do not reflect

Enclosure (1)

15 JAN 1998

an official DON position, is not in itself grounds for denying access or release to GAO. However, this type of information should be conspicuously marked "DRAFT" or "WORKING PAPER" with the following written caveat on the document or a cover sheet: "This is a draft document subject to revision, and does not necessarily reflect the official DON position."

b. When it is determined a document or information requested by GAO is not available, offer to substitute other documents or a briefing for GAO.

c. When GAO requests classified or business-sensitive documents, the GAO auditor receiving the material must have the proper security clearance, be told the classification level, and sign an itemized record of receipt listing each document received.

d. GAO auditors usually review records and data in the office where they are kept. GAO will make notes, extracts or copies, as required. Extra copies and a reasonable number of reproduced copies of documents, papers and records may be furnished to the GAO for retention.

e. GAO requests for information are usually directed toward existing documents in their present format. Requests for the development of special information, extracts, summaries or analyses of data requiring considerable resources to prepare should be negotiated. Requests for this type of information which are not resolved locally should be referred to ASN(FM&C) (FMO-31) via the DON action office.

f. If negotiations with GAO do not result in the release of sufficient information to satisfy GAO, GAO's request, with reasons for recommended denial, shall be sent expeditiously via the chain of command to the SECNAV via the Naval Inspector General (NAVINSGEN) or the CMC (RFR) with copies to the DON Office of General Counsel (OGC) and the ASN(FM&C). Under no circumstances will an individual, commander or activity head inform a GAO representative that the request is denied while the referral or staffing is in process. Instead, advise the GAO representative that the request has been referred for appropriate action.

Enclosure (1)

15 JAN 1998

7. Special Category Information. Requests by GAO for copies of audits, inspections, investigations and OSD-controlled reports will usually be referred to the organization which published the report.

a. Naval Audit Service (NAVAUDSVC) draft audit reports will not be released outside the DON until published. After publication, GAO may obtain copies of NAVAUDSVC reports and associated working papers. GAO requests for NAVAUDSVC reports and working papers should be referred to the Auditor General of the Navy.

b. Memoranda for the record, tapes and transcripts of informal discussions not representing an official position will not ordinarily be made available in original form. A summary or extract will be prepared to include all pertinent facts, decisions and policies pertaining to the GAO review.

c. Theses, studies or papers prepared by students as part of education or training courses while attending colleges, universities or military schools such as the Naval Postgraduate School, are releasable only if the material has been officially accepted and approved, published by the school, or placed in the library. Otherwise, this material is considered incomplete and will not be released. The rationale for this policy is that such works represent the endeavors of persons still learning. The authors are not considered experts in the field and the conclusions are not considered DON policy.

d. Budget materials, selected program acquisition data and outyear fiscal projections may not be released to the GAO until after submission of the President's Budget to the Congress for the year to which they pertain. This is normally in February prior to the start of the fiscal year. Budget material includes all information in the submitted budget documents and budget justification books.

e. Budget estimates prepared by the respective budget submitting offices (BSOs) for the DON review and OSD/OMB review are pre-decisional and, thus considered not appropriate for release outside the Department.

f. Requests for program decision memoranda will be referred to OSD, Program Analysis & Evaluation (PA&E).

15 JAN 1998

g. Requests for Future Years Defense Program (FYDP) information will be referred to PA&E for release.

h. Requests for information concerning operational plans or support plans involving joint service participation will be referred to the Office of the Joint Chiefs of Staff, Washington, DC, for action in accordance with Joint Chiefs of Staff Instruction 5714.01, "Release Procedures for Joint Staff and Joint Papers and Information" (NOTAL).

i. Inspector General Records and Reports. NAVINSGEN and Marine Corps Inspector General reports will not be released without the approval of NAVINSGEN or CMC, as appropriate, under the provisions of SECNAVINST 5430.57F. This does not modify the long-standing policy concerning the nonrelease of inspector general reports to agencies external to the DON other than GAO. Nor does this alter the need to protect the confidentiality of statements made by individual sources and the purely personal opinions and recommendations of subordinates to their superiors.

j. The DON OGC will be promptly advised of all requests for investigation files made by Congress and GAO. Copies of all files requested must be reviewed by the General Counsel at the earliest practicable time prior to taking action on the request. This policy encompasses Naval Criminal Investigative Service (NAVCRIMINVSERV) investigations and NAVINSGEN investigations, but does not include audits. This policy applies only to requests for the actual investigation files.

k. Requests for classified information will be promptly forwarded to the agency having primary interest in:

(1) Top secret information.

(2) Highly classified information requiring special access clearances, e.g., black programs.

(3) Documents related to the conduct of military operations, war plans, force deployments and intelligence collections and analyses.

Enclosure (1)

8. General

a. DON personnel providing documents to GAO under the provisions of this instruction should retain an exact duplicate of the material provided, for a period no less than 6 months after publication of the final report. The material retained should be prominently marked as having been provided to GAO, stating the auditor's name, division, phone, date provided and other pertinent information relative to the transfer of the material.

b. If a GAO auditor asks a question of DON personnel which requires a classified answer, the DON personnel should state that the answer is classified. Before providing the answer, DON personnel must ensure that the question is within the scope of the audit, and the auditor has obtained the necessary security clearance. Often GAO requirements may be met by providing unclassified information. This should be fully explored before releasing classified information.

Enclosure (1)

RELATIONS WITH THE SURVEYS AND INVESTIGATIONS STAFF,
HOUSE APPROPRIATIONS COMMITTEE

1. Don Action Office. FMO-31 provides the name, organization and telephone number of the DON action office to the Director, P&S. The Director, P&S maintains a listing of all DOD action offices, and routinely provides this information to the S&IS. The DON action offices shall:

a. Brief the S&IS relative to DON involvement in the subject inquiry.

b. Review and approve the release of materials, including policy statements, to the S&IS after coordination with other interested offices, commands and the Secretariat, as appropriate. NAVINSGEN and Marine Corps Inspector General reports will not be released without the approval of NAVINSGEN or CMC, as appropriate, under the provisions of SECNAVINST 5430.57F.

c. Arrange for S&IS visits to DON headquarters offices and field activities and coordinate such visits with organizations having primary or collateral interest in the inquiry. Field activities and ships will be advised of an S&IS visit first by telephone, followed by a letter or message which will cite pertinent information. This includes the name and security clearance of each S&IS investigator, the purpose of the visit, the exact date, time and place of arrival, the point of contact and the telephone number, and other relevant information. Commander in Chief, U.S. Pacific Fleet; Commander in Chief, U.S. Atlantic Fleet; Commander, Marine Forces, Pacific; and Commander, Marine Forces, Atlantic will be addressees on such correspondence, as appropriate.

d. Prepare and submit to the ASN(FM&C) (FMO-31) by the 10th of each month, a report on the progress and status of the S&IS inquiry (note that negative reports are not required). This report will contain:

(1) A concise narrative of the major points of interest expressed by the S&IS during the reporting period, with a summary of the content of information provided.

(2) The commands visited.

(3) Planned future visits.

(4) Problems encountered.

Enclosure (2)

15 JAN 1998

(5) Applicable comments from other DON activities.

(6) Possible House Appropriations Committee (HAC) action indicated as a result of the inquiry.

(7) Findings that might prompt questions during congressional hearings.

e. Submit a closeout (final status) report to the ASN(FM&C) (FMO-31) when the inquiry is complete.

2. DON Activities and Ships. Upon proper identification and security clearance verification, DON activities and ships will admit S&IS investigators and will:

a. Arrange for S&IS personnel to meet command personnel or visit other offices or installations.

b. Provide or arrange for briefings.

c. Make temporary working space available.

d. Arrange for access to records and documents. Questions on the releasability of material should be referred to the designated DON action officer or FMO-31.

e. Promptly prepare and submit to the designated DON action officer, with copies to the chain of command and the ASN(FM&C) (FMO-31), a report of the S&IS visit to include:

(1) Dates of arrival and departure of the S&IS.

(2) Briefing of subject areas discussed.

(3) Problems encountered.

(4) Indicated course of inquiry.

(5) Findings of the S&IS that should be brought to the attention of management officials.

(6) Observations concerning the investigation.

Enclosure (2)

15 JAN 1998

3. Release of Records and Reports. Copies of records and reports relating to the inquiry, survey or investigation normally should be made available to S&IS personnel. The physical exchange of sensitive documents will be by the DON action officer except in cases where the information must be cleared through other DON components, the head of the activity involved or the SECNAV. Examples of such information include the following:

a. NAVINSGEN reports, the release of which is specifically approved by the NAVINSGEN per SECNAVINST 5430.57F; Marine Corps Inspector General reports which are released by the CMC; and other reports of inspections, investigations or surveys that pertain to safety or the internal management, administration or operations of the DON which are not available to the general public.

b. It is SECNAV policy that the General Counsel (GC) be promptly advised of all congressional requests for investigative files. Copies of all files so requested must be reviewed by the GC at the earliest practicable time prior to taking action on the request. The policy includes NAVCRIMINSERV command investigations and investigations conducted under the auspices of the NAVINSGEN, but does not include audits. The requirement applies only to requests for information which may have as its source such a file.

c. Intelligence reports as to enemy capabilities; readiness of U.S. and Allied Forces; contingency and operating plans.

d. Budgetary material, selected program acquisition data, and total outyear fiscal projections may not be released to the S&IS until after submission to the Congress by the President. This normally will be in February of each year. This material includes all information in the submitted budget documents and support justification books. However, outyear data contained in Selected Acquisition Reports (SAR) (RCS: DD-A&T(Q&A)823) which have been furnished to Congress may be released prior to release of the President's Budget.

e. Requests for Program Objective Memorandum (POM) data and for FYDP information, including outyear data on "non-SAR" programs and Program Budget Decisions (PBDs), will be referred to the Director, Program/Budget Coordination Division (FMB-3).

Enclosure (2)

15 JAN 1998

f. The Auditor General must clear the release of NAVAUDSERV audit reports.

g. Requests for information concerning operational plans or support plans involving joint service participation will be referred to the Office of the Joint Chiefs of Staff for action, per Joint Chiefs of Staff Instruction 5714.01 (NOTAL).

h. Records of conversations or communications between DON personnel or between personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action. Examples include incomplete or on-going studies relating to logistic support capabilities and facilities.

4. Visits By Investigators. The S&IS prefers to visit DOD installations unaccompanied by Headquarters, DON/DOD personnel. Should a notice of visit be transmitted directly to a field command, the command should promptly advise the ASN(FM&C) (FMO-31).

5. S&IS Reports. S&IS reports are only released by the authority of the subcommittee which requested the study. Upon notification by the DON action officer that an S&IS study is completed, the ASN(FM&C) (FMO-31) will request the Director, P&S to obtain a copy. All requests to the HAC must be initiated by the Director, P&S. Occasionally, committee staffers will provide an S&IS report directly to the DON action officer, especially when hearings on the subject are forthcoming. When this happens, the DON action officer should promptly provide a copy of the report to the ASN(FM&C) (FMO-31).

Enclosure (2)